

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
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SPECIAL CIVIL APPLICATION No 6546 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

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BHANABHAI NANABHAI

Versus

STATE OF GUJARAT

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Appearance:

MR YN RAVANI for Petitioners  
Mr.Mukesh Patel, learned AGP  
for the respondents

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 03/10/97

ORAL JUDGEMENT

The only ground pressed in this case on behalf of the petitioners is that their lawyer could not remain present before the Urban Land Tribunal on the ground of sickness and the impugned order has been passed by the Urban Land Tribunal ex parte. The learned counsel for the petitioners has submitted that he simply wants an opportunity of hearing before the Urban Land Tribunal as the order has been passed in breach of principles of

natural justice. The factual position that the petitioners' lawyer could not remain present before the Urban Land Tribunal on the ground of sickness is not disputed by the other side. The Tribunal has also not observed anything in this regard, as has been pointed out by the learned AGP. In this view of the matter, it is found to be proper to quash and set aside the order dated 2.11.96 passed by the Urban Land Tribunal and Secretary, Revenue Department, Ahmedabad on the sole ground of breach of principles of natural justice and the matter is remanded back to the Urban Land Tribunal, Ahmedabad so as to afford an opportunity of hearing to the petitioners and then pass an order afresh in accordance with law within a period of two months from the date the certified copy of this order is served upon it and till then no action prejudicial to the petitioners shall be taken during the pendency of the matter before the Urban Land Tribunal. This Special Civil Application is thus allowed and the Rule is made absolute in the terms, as aforesaid. No order as to costs. Direct Service is permitted.